IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5378 of 2005

Between:

S. Srinivasa Sastry, S/o. S. Vysampayana,
R/o. 5-033/5, Ranganagar Colony, IDPL Post, Chintal, Hyderabad, Ranga Reddy District.

... PETITIONER

AND

1 The Commissioner, Qutbullaur Municipality, Qutbullapur, Ranga Reddy District.
2 Sri Sharanappa, S/o. Not Known to the Petitioner,
R/o. H.No. 42-45, Ranganagar Colony, IDPL Post, Chintal, Hyderabad, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 1st respondent in not taking action against the illegal constructions and encroachment of the road by the 2nd respondent at Ranganagar Colony, Qutbullapur Mandal, Ranga Reddy District as illegal, null & Void; and consequently direct the 1st respondent to demolish the illegal construction of the 2nd respondent.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondent No.1: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the first respondent-Commissioner, Qutbullapur Municipality in considering the representation made by the petitioner dated 09-02-2004 complaining about certain unauthorized constructions being made by the second respondent encroaching upon the road, opposite the house of the petitioner bearing H.No.5-033/5, in Sy.No.160 of Qutbullapur Village, Ranga Reddy District.

Having heard the learned counsel for the petitioner, the learned standing counsel appearing for the first respondent-Commissioner, Qutbullapur Municipality, and having regard to the nature of the controversy involved in the writ petition, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent-Commissioner, Qutbullapur Municipality, to consider the representation of the petitioner dated 09-02-2004 and pass appropriate orders, in accordance with law, after affording due opportunity to the second respondent to rebut the allegations made by the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 17-03-2005

Note: Furnish C.C. in a week

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Commissioner, Qutbullaur Municipality, Qutbullapur, Ranga Reddy District.
2 Two C.D. copies.